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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,550	02/02/2001	Jared Zerbe	1726.7220800	9988

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HUNTON & WILLIAMS LLP/RAMBUS INC.
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,550

Applicant(s)

ZERBE ET AL.

Examiner

Tung S Lau

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 11, 13, 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 2, 3, 6, 7, 8, 10, 12, 14, 15, 16, 17 and 18 are rejected under 35

U.S.C. 102(b) as being anticipated by Gruetzner et al. (U.S. Patent 5,444,715).

Regarding claim 1:

Gruetzner discloses a digital signaling system comprising: a transmit circuit, the transmit circuit comprising a transmit data input and a transmit data output, the transmit circuit producing an transmit data output signal at the transmit data output based on a transmit data input signal from the transmit data input when the transmit circuit is operating in a normal mode (Col. 4, Lines 43-53), the transmit circuit further comprising a transmit repeating pattern generator producing a repeating pattern signal, the transmit circuit producing the transmit data output signal at the transmit data output based on the repeating pattern signal when the transmit circuit is operating in a test mode (Col. 2-3, Lines 49-37); and a receive circuit, the receive circuit operably coupled to the transmit circuit and receiving the transmit data output signal from the transmit circuit at a receive data input, the receive circuit comprising a receive data output, the receive circuit producing a receive data output signal at the receive data output

based on transmit data output signal when the receive circuit is operating in the normal mode (Col. 4, Lines 43-53), the receive circuit further comprising a receive repeating pattern generator producing the repeating pattern signal, the receive circuit producing a comparison signal based on comparison dependent on the transmit data output signal and the repeating pattern signal when the receive circuit is operating in the test mode (Col. 2-3, Lines 49-37).

Regarding claim 9:

Gruetzner discloses a method for evaluating a digital signaling system comprising the steps of: generating a transmit repeating pattern in a transmit circuit; transmitting the transmit repeating pattern to a receive circuit (Col. 1, Lines 35-57, Col. 2-3, Lines 49-38); generating a receive repeating pattern in the receive circuit; and comparing the transmit repeating pattern to the receive repeating pattern to obtain a comparison (Col. 1, Lines 35-57, Col. 2-3, Lines 49-38).

Regarding claims 2, 3, 6, 7, 8, 10, 12, 14, 15, 16, 17, 18:

Gruetzner discloses the use of a shift register (Col. 2-3, Lines 49-37); the digital signaling system wherein a transmit shift register output of the transmit shift register is coupled a transmit shift register input of the transmit shift register when the transmit circuit is operating in the test mode and a receive shift register output of the receive shift register is coupled to a receive shift register input of the receive shift register when the receive circuit is operating in the test mode (Col.

3-4, Lines 49-37); two bits of information over a single conductor (fig. 1, unit 124, fig. 2), voltage reference to a ground (fig. 2), differential signal over two conductors (fig. 1, unit 120, 121), based on comparison (Col. 1, Lines 35-57); adjust the characteristic of the circuit (Col. 1, Lines 35-57).

Claim Objections

2. Claims 4, 5, 11, 13, 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use linear feedback logic gate in the system, determining the boundary value of the receiving characteristic which reliable operation of the system is provided.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 10/31/2003 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the 'transmit circuit'.

Gruetzner discloses a 'transmit circuit' in Col. 4, Lines 25-53, fig. 1, unit 111, subsection 127.

B. Applicant also argue that the prior art does not show the 'transmit circuit producing a repeating pattern signal in a test mode'. Gruetzner discloses a 'transmit circuit producing a repeating pattern signal in a test mode' in Col. 3, Lines 22-38, Col. 4, Lines 25-53, fig. 2.

C. Applicant continues to argue that the prior art does not show the 'receive circuit producing a repeating pattern signal in a test mode'. Gruetzner discloses a 'receive circuit producing a repeating pattern signal in a test mode' in Col. 3, Lines 22-38, Col. 4, Lines 25-53, fig. 2.

D. Applicant continues to argue that the prior art does not show the 'transmit circuit using shift register'. Gruetzner discloses a 'transmit circuit using shift register' in Col. 2-3, Lines 49-37.

E. Applicant continues to argue that the prior art does not show the 'transmit circuit shift register couple to a receive circuit using shift register'. Gruetzner discloses a 'transmit circuit using shift register' in Col. 2-3, Lines 49-37, fig. 1, unit 110, 111.

F. Applicant continues to argue that the prior art does not show the 'adjusting receive circuit'. Gruetzner discloses a 'adjusting receive circuit' in Col. 2-3, Lines 20--37, abstract, fig. 1, unit 110, 111.

Reminds to the applicant that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317


John Barlow
Supervisory Patent Examiner
Technology Center 2800